

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY JE D.C.

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GORDON NEWSOME,  
GAVIN NEWSOME,  
CHARISSA NEWSOME, Minors  
by HAZEL D. THOMPSON, Guardian  
and Next Friend,

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

Plaintiff,

v.

No. 04-2752 B

PRIMERICA LIFE INSURANCE COMPANY  
and STEVE A. STOKES,

Defendants.

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ORDER DIRECTING CLERK OF COURT TO FORWARD ORDER  
TO PRO SE PLAINTIFF AND ORDERING PLAINTIFF TO ADVISE  
THE COURT OF SUBSTITUTE COUNSEL AND  
TO RESPOND TO PENDING MOTION TO DISMISS

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In an order entered on the Court's docket on May 9, 2005, the magistrate judge granted the motion of Max Ostrow to withdraw as counsel for the Plaintiff, Hazel Thompson. As it has come to the Court's attention that this order was never mailed to the Plaintiff, the Clerk of Court is hereby directed to forward a copy thereof (Doc. No. 12) to the Plaintiff at the following address: Hazel Thompson, 4020 Pattye Ann, Memphis, Tennessee 38116.

In his motion to withdraw, Ostrow indicated that he had notified the Plaintiff of a conflict of interest involving his representation of Defendant Steve A. Stokes and his wife in other matters and had advised her that "she should seek other counsel to represent her in this matter." (Mot. to Withdraw as Counsel of Record at 1.) On June 14, 2005, the Defendant Stokes filed a motion to dismiss the complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, bearing a

certificate of service reflecting that a copy of the motion was sent directly to Thompson.

Based upon the information before it, the Court assumes Thompson is aware Mr. Ostrow is no longer acting as counsel in her behalf and that a dispositive motion remains pending in this case. However, she has failed to respond to the motion, even though the time for such response has expired, or to otherwise communicate with the Court. Accordingly, in the interest of moving this matter forward, the Plaintiff is hereby ORDERED, within fifteen (15) days of the entry hereof, to advise the Court of the name and address of substitute counsel or of her decision to proceed pro se. In either case, the Plaintiff is further ORDERED to respond to the pending motion to dismiss within thirty (30) days of this order. Failure by the Plaintiff to timely comply with the Court's directives herein may result in the dismissal of her lawsuit with prejudice, pursuant to Fed. R. Civ. P. 41(b). The Clerk of Court is also DIRECTED to forward a copy of this order to Thompson at the address set forth herein.

IT IS SO ORDERED this 21<sup>st</sup> day of July, 2005.

  
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J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 16 in case 2:04-CV-02752 was distributed by fax, mail, or direct printing on July 25, 2005 to the parties listed.

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Hazel D. Thompson  
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Memphis, TN 38116

Jimmy Moore  
CIRCUIT COURT, 30TH JUDICIAL DISTRICT  
140 Adams Ave.  
Rm. 224  
Memphis, TN 38103

Honorable J. Breen  
US DISTRICT COURT